Supreme Court, U.S.
FILED
JUL 14 2000
OFFICE OF THE CLERK

No. 00-472

In The
Supreme Court of the United States

Fred Michaelis,
Petitioner

V.

County Judge,
Barbara Rollins,
Respondent

On Petition For Writ of Certiorari To
The
Supreme Court of The United States

PETITION FOR WRIT OF CERTIORARI

Fred Michaelis
Petitioner Pro-Persona
726 Palm Street
Abilene, Texas 9602
Telephone:915-677-3577

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SUPREME COURT, U.S.

50ff

QUESTION PRESENTED FOR REVIEW

1. Whether Petitioner, a Prose litigant was afforded **due process of law guaranteed by the Fourteenth Amendment,** when the district court allowed a Summary Judgement to happen after the Petitioner had ask for, and paid for, a Jury Trial?

2. Whether Petitioner Michaelis was treated equal under the law, considering that he was an ordinary citizen that was in contention with a Judge, in another Judges court.

3. Whether the Judge was prejudiced by the fact that the defendant was also a Judge ?

4. Whether there was points of law that needed the decisions of a Jury , than could have been decided by a Judge. After all, we are dealing with another Judge with natural prejudices, an conflict of interest brought on by the sole fact that here he was, also a Judge, that was now judging another judge? **Violation of the United States Constitution Amendment 7, when a jury was requested**

5. Could a Summary Judgement ever be correct, considering that in order for one to follow due process of law, you first must follow the law? The law in this case being referred to here, is

The Texas Constitution : Article5 :
JUDICIAL DEPARTMENT; Known as

Section 24 - REMOVAL OF
COUNTY OFFICERS

County Judges, county attorneys, clerks of the District and **County** Courts, **justices** of the peace, constables, and other **county** officers, may be **removed** by the **Judges** of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.

6. . The question here is, Since Texas law calls for a jury in the District court, in order to remove a bad judge, then the denial of a jury trial is in violation of the Seventh Amendment to the United States Constitution and propose the question of why was there not a jury trial? Consider the following: (a) The jury was requested and paid for by the Petitioner, so why was it right for the District Judge to allow a Summary Judgement hearing? (b) Could it be that the courts all fear that an uncomfortable president might be established by a prose litigate? (c) Could this be the reason of the courts unequal consideration between an ordinary citizen and a Judge? d) Do the courts fear a loss of their power that might have occurred had this bad judge faced a jury that would have been fully informed, about

subjects such as there Jury Nullification Powers?

7. It is father questioned as to why, when **The Texas Constitution, in** : Article 5 - JUDICIAL DEPARTMENT

Section 10 - TRIAL BY JURY says the following:

" In the **trial** of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of **trial** by **jury**; but no **jury** shall be empaneled in any civil case unless demanded by a party to the case, and a **jury** fee be paid by the party demanding a **jury**, for such sum, and with such exceptions as may be prescribed by the Legislature." If this is the law why was it not followed?

8. Why would anyone believe that substituting a summary judgement hearing for a jury trial was Congruent with the US Constitutions edict that says: **Article VII :..**

"**In Suits at Common Law, where the Value in Controversy shall exceed Twenty Dollars, the Right of Trial by Jury shall be preserved..."**

9. Whether Texas Courts have to conform to US Constitutional guidelines which say in ? Does the Supreme Court

not set the standards for the rest of the Nations Courts?

LIST OF ALL PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Fred L. Michaelis a Prose Litigant respectfully prays that a Writ of Certiorari be issued to review the judgment and orders below.

ORDERS BELOW

1. The Order of the Fifth Circuit Court of Appeals dated (a): 99-11233 April 7, 2000 Judgment

(App.1(a) Is unpublished)

(b):99-11233 April 7,2000 Motion to Dismiss Denied (App. 1(b) Is unpublished)

(c): 99-11233 June 15, 2000 Mandate Issued

(App.1(c) Is unpublished)

2. The Order of the United States Northern District Court for Texas dated: (a) September 22, 1999

Dismissed with Prejudice (App.2(a) Is unpublished) (b) 1:99;-CV-187-C: September 22 ,1999

Written Order (App. 2 (b) Is unpublished)

(c) 1:99-CV-187-C: June 13, 1999 Motion for Production of Records Denied (App.2(c) NOTE:

Petitioner filed a Motion for all records in this issue to be submitted to the United States District Court, Northern District for Texas in order the Honorable Judge could understand his reason for appeal. This judge refused to order the records for review and made his ruling with in three days of receiving the Petitioner

Appeal Motion.

(d) 1;99-CV-187-C ; October 6, 1999

Defendant Motion to Dismiss is denied as moot

(App. 2(d) Is unpublished)

3. The Order of the Supreme Court of Texas

dated July 29, 1999: 11:98-00266 Petition for Review denied (App. 3(a) Is unpublished)

4. The Order of the 11th Court of Appeals for Texas

dated (a)May 6, 1999: 11-98-00266-CV : Written Opinion of oral hearing Affirming the Trial Judgement

(App.4(a) Is unpublished)

(b.1)May 6, 1999: 11-98-00266-CV ; Appellants pro se Motion for appeal

Records Denied and

(b.2) May 6, 1999 same Order Affirmed the Judgement of the Trial Court (App 4 (b) Is unpublished

(c.1) November 18, 1999 Notice to 104th District Court, Taylor County Judgement is Affirmed

(App. 4(c.2) Is unpublished)

5. The Order of the 104th District Court, Taylor County, Texas dated: (a). August 17, 1998: Cause No. 21732-B

Motion for Summary Judgement Shall be heard on September 14th, 1998 (App.5(a) Is unpublished)

(b) October 1, 1998; Cause No. 21732-B: Order Granting Summary Judgement (App.5 (b) Is unpublished

JURISDICTION

The order of the Supreme Court of Texas was entered July, 24, 1999 (App. R) and the order of the United States District Court, Northern District was entered September 22, 1999 (App. T)

and the order for the Fifth Circuit Court of Appeals was entered on June 15, 2000 (App. Z (C)).

The jurisdiction of this Court is invoked under ____U.S.A. §

CONSTITUTIONAL, STATUTORY AND OTHER PROVISION INVOLVED

The Constitutional provision involved is U.S. Constitution Amend. XIV, which says "... nor shall any State deprive any person of life, liberty or property, without due process of law..."? **Also, there is the right of Trial by Jury, Article VII. :"** In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of **trial by jury** shall be preserved, and no fact tried **by a jury**, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law ".

STATEMENT OF THE CASE

The appellate courts of Texas denied Petitioner Fred L. Michaelis Due Process of Law and Trial by Jury, when Petitioner filed according to Texas Constitutional Law for the removal of an Unethical if not totally un lawful County Judge in Taylor County, Abilene Texas. The Judge presided over a case in which she had personal interest in.

Michaelis was an outsider. Although he had grown up in Abilene, he had lived for years in Austin, Texas. When he became aware that his mother was in the hands of

unscrupulous religious hypocrites that tried to isolate his mother from him for the purpose of taking his mother's money, and i.e. his inheritance, he hired an Abilene Attorney to apply for guardianship of his mother. The Judge had been directly in association with the former Taylor County Judge, Baptist Deacon, now debar Lawyer that was trying to fleece his mother. Michaelis was indigent at the time this happened, and his mother, suffering from an organic brain to apply for guardianship of his mother. The Judge had been directly in association with the former Taylor County Judge, Baptist Deacon, now debar Lawyer that was trying to fleece his mother. Michaelis was indigent at the time this happened, and his mother, suffering from an organic brain disorder looked like easy pray for James McMillon. (The Former Taylor County Judge whom Rollins was elected to his position). Judge Rollins failed to mention that the lawyer that she provided for the Petitioner was one that she and the other Former Taylor County Judge, McMillon, had practiced law with in the Brian Bradbury Law Firm. In fact Brian Bradbury was McMillon Father-in-law.

Long after the truth became evident, Rollins refused to step down from the case. The lawyer that Rollins hired for the Petitioner gave a half hearted effort to represent the Petitioner. After the failure to get guardianship the Judge added insult to injury and picked an employee of McMillon since McMillon had already stolen $50,000 -

from the mother, and had took 250,000 worth of Exxon Stock out of the lock box. He wasn't qualified under Texas law to act as guardian.

Rollins picked one conflict of interest after another until Mrs Bynum passed away in December of 1997. Mrs. Bynum suffered from poor care at sky high rates in her home which McMillon had picked the nursing care provider Texas Law says that no Judge shall sit on cases where they hold an interest. **US Constitution Law: Amendment Seven ..." says that Petitioner has the right to due process and Jury Trial when the Petitioner has requested in writing and paid for a trial by jury more than forty five days before the hearing....." . It was designed in Lue of a Summary Judgement that Texas Law doesn't accommodate.**

What Petitioner is asking for is a chance to lay the case in front of non judge jury. The nature of this case makes it difficult to get a fair trial from a Judge because a Judge is prejudiced to the interest of other Judges.

Petitioner appealed the decision to the 11th Court of Appeals for Texas, located in Eastland , Texas (see App. L Note page 61 a . Petitioner appeared in person to present his oral arguments and said was denied (see App. K Note Page 62 a)

Petitioner being a lay person filed his appeal to the Supreme Court only to have this hearing turned down and his due process of the law was ignored. (See App. R Note page 86a) Petitioner was turned down in each court he has filed in due to the prejudice toward a citizen filing in a pro se manner to have a well known county official removed from the benched.

In Regentsa v. Roth, 408 U.S. 564,569 and in Sinderman v. Perry , 430 F2d 939..The courts disposed of the case by summary judgement but because the case presents issues of constitutional law, then the longest way around proves to be the shortest way through the thicket...shows how a summary judgement was a violation of due process. The same issues raised here applies to the Petitioner issues. The 104th District Court of Taylor County Texas allowed a summary judgement issue to be filed way before the courts had a chance to determine the issue at large. The issue was whether or not a county judge had violated her code of conduct when she allowed her former law associates, people she had worked with in the same law firm from 1980 till 1988 when she became county judge to be in full control of an elder person estate.

The Petitioner has been informed the only way a county judge can be removed is by the district attorney of the county. Since this is what the courts are claiming then how can a court explain the Local Government Code § 87.015 (Texas Vernon's Code

Annotated; (See Appendix

(b) .." Any resident of this state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file the petition. At least one of the parties who files the petition must swear to it at or before the filing..." ..This ruling farther says that the petition must be filed , addressed to the district judge of the court and say in plain intelligible language and citing the time etc..... Petitioner Michaelis followed this guide line when he filed for the judge removal. He also aks for a jury trial well in advanced only to be slapped in the face by all judges in all courts. There is nothing written in the Texas Codes that say for the removal of a County Judge there has to be any State official to file in joint with the Citizen who has filed the original petition

.

Now, since the State of Texas courts states that the combination of two State Constitutional laws have to be read in joint, then the Petitioner ask this....." If I am to file a petition and use all of the State Constitution Laws, then where is it in the " BOOKS...." that tells me to do t his?"

There is none . The Petitioner is not going to waste this Honorable Courts time by citing a mass of laws, and cased to make clear what he is saying:

The Petitioner has asked for, paid for in accordance with the United States Constitutional Laws, the State of Texas a

jury trial. The Courts got gang hoe and ordered a summary judgement issue because the person who was in trouble was one of their own... a fellow judge.

The Petitioner has follow the law of the land as set forth and can do nothing else. He went to the local district attorney and the district attorney will not do a thing...In fact the Taylor County District Attorney has the reputation of not following through to prosecute unless it is a criminal matter.

The State of Texas has clearly violated every Article, Amendment of the United States when the Texas Courts made a ruling for a summary judgement issue without first hearing the evidence at hand and allowing a jury to make the decision.

The United States Northern District for Texas even admit the issue at hand.. The Petitioner filed his appeal to that court making a remark the courts did not like. This Court made their ruling within 3 days after they received the Appeal Brief

This same judge refused to have the lower court records sent to this court so he could read the manner of proceeding and decisions for the reasons why the Petitioner , Fred Michaelis is screaming VIOLATION OF DUE PROCESS AND JURY TRIAL.

REASONS FOR GRANTING THE WRIT

Although the courts are not met on a regular bases by a civil issue involving a county judge wrong doing the question of the correct procedures for such is being requested by the Petitioner to consider the violations of the United States Constitutional when the Courts of Texas violated the Texas Constitution and Statues.

The Judge in question had direct conflicts of interest. To weed out the bad judges from the judicial midst can not help but to add honor to your chosen profession. This Honorable Court will not directly be involved in this impeachment because Texas Law says that it will be done by a Jury in District Court. That is if this Honorable Judges make this decision. If this panel does not make this decision, then the oblivious will keep on happening within all the States, any petition filed for a removal of a county agent will be unclear and the illegal procedures within the county will remain.

This Honorable Court is being ask to see that the County Judge will be brought before a jury hearing as the Seventh Amendment to the United States Constitution states when a person asks for money damages over $20.00

Even the United States Northern District Judge stated the issue of amount of money the Petitioner was asking and this Judge ignored factor of the Seventh Amendment because he did not like the way the Petitioner started his brief.

What is being ask here is not a decision of Texas Law, but a decision to remand the case back to the proper jurisdiction for trial

To order the courts in any state to abide by the United States Constitutional Laws and to enforce the law without a prejudice out look toward an individual filing in their own behalf in order to save money they need for living.

To order the States within the United States to allow a fair and impartial trial for civilians when they do not have a lawyer to assist them.

CONCLUSION

The Petitioner, Fred Michaelis hereby prays this Honorable Supreme Court Justices will grant this Pro Persona Writ of Certiorari will be granting the States within the United States the authority to abided by the United States Constitutional as quoted when a citizen files for their self a pro per se document showing how the courts of their state has violated the Constitutional Rights as guaranteed to each person within the United States. By forcing the states to allowed the citizens to file in their own behalf and by the courts not making vague remarks, to do as they want to because a person has no attorney and they think no one will call their hand.

The Petitioner, Fred Michaelis prays for General Relief for giving him relief and granting his Pro Persona Writ will also grant other citizens of the United States the same privileges.

Signed as of this the _____day of September , 2000

_____

Fred Michaelis

726 Palm

Abilene, Texas 79602

Telephone: 915-677-5577

Pro Per Sona

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APPENDIX A

104th District Court

Taylor County, Texas
Cause No. 21732-B

Freddie L Michaelis
Plaintiff

V

Barbara Rollins Defendant

Plaintiff Request For Trial By Jury

Plaintiff Fred L. Michaelis herein request that this honorable court will order this cause to be presented to a fully in informed jury within 90 days from this dated document. The jury will be informed of their right to fully interpret the .
Fred L. Michaelis

Date March 11th 1998
Notary Conover
Seal Expires 4/4/2000

APPENDIX B

TEXAS;

IN THE TAYLOR COUNTY 104TH JUDICIAL DISTRICT, AUGUST 17TH, 1998;

FRED MICHAELIS PETITIONER
against CAUSE NO; 21732- B

BARBARA ROLLINS
RESPONDENT

ORDER SETTING HEARING ON DEFENDANT BARBARA ROLLINS MOTION FOR SUMMARY JUDGEMENT

IT IS HEREBY ORDERED that the Motion for Summary Judgement filed by the Defendant , Barbara Rollins in the above named and numbered cause shall be heard by the 104th Judicial District Court of Taylor County, Texas on the 14th day of September, 1998 at 10:30 o'clock a.m. in the courtroom of the 104th Judicial District Court located in the Taylor County Courthouse, 300 Oak Street, Abilene, Texas.

2a (2)

SIGNED this the 17th day of August, 1998

B.J. EdwardsJudge Presiding

APPENDIX C

TEXAS:

IN THE TAYLOR COUNTY 104th JUDICIAL DISTRICT COURT, OCTOBER 1, 1998

FRED MICHAELIS PETITIONER
against Cause Number 21732-B

BARBARA ROLLINS
RESPONDENT

ORDER GRANTING DEFENDANT BARBARA ROLLINS' **MOTION FOR SUMMARY JUDGEMENT**

On the 14th of September, 1998, the Court considered Defendant Barbara Rollins' Motion for Summary Judgement, filed in the above styled and numbered cause. After considering the motion, the supporting judgement evidence, the pleadings on file with the Court and the argument of

counsel and Plaintiff, the Court finds that the motion is meritorious and should be GRANTED.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Barbara Rollins Motion for Summary Judgement is hereby granted and that all claims of Plaintiff Freddie L. Michaelis against Defendant Barbara Rollins' are DISMISSED with prejudice with cost against Plaintiff and it appearing to the Court that all cost have been paid, IT IS ORDERED that execution ever issue therefor.

Signed this the 1st day of October, 1998

_____

B. J. Edwards
Judge Presiding

APPENDIX D

TEXAS;

In the Court of Appeals of Texas,
11th District of Texas on May 6, 1999

FRED MICHAELIS Appellant
against Case No. 11-98-00266-CV
Trial Court No. 21,732-B
v
BARBARA ROLLINS Appellee

Please be advise that the Court has this date (May 6th, 1999) AFFIRMED the judgement of the trial court in the above cause.

We enclose a copy of the Court's Opinion and Judgement.

Please be advised that Appellant pro se Motion for Appeal Records was SUBMITTED and OVERRULED this same day. Please note no record are made of oral argument.

4a(2)

With kindness wishes, I am

Sherry Williamson ,Clerk

APPENDIX E

TEXAS;

IN THE 11th COURT OF APPEALS Eastland, Texas on May 6, 1999

Fred Michaelis Appellant
against Cause No. 11-98-00266-CV
Trial Court No. 21,732-B

v

Barbara Rollins' Appellee

This Court has inspected the record in this cause and concludes that there is no error in the judgement below. Therefore, in accordance with this court's opinion, the judgement of the trial court is in all things affirmed. The cost incurred by reasons of this appeal are taxed against Fred Michaelis.

APPENDIX F

Court of Appeals

Eleventh District of Texas
100 WEST MAIN STREET

P.O. BOX 271

EASTLAND, TEXAS 76448

May 6, 1999

WILLIAM G. (BUD) ARNOT, III
CHIEF JUSTICE

TERRY MCCALL
JUSTICE

JIM R. WRIGHT
JUSTICE

SHERRY WILLIAMSON
CLERK

TELE: 254/ 629-2638
FAX: 254/ 629-2191
EMAIL: appeals@eastland.net

Fred Michaelis

Hon. Barbara Rollins

Robert A. *Junell*

John Mark Hogg

RE: CAUSE NO. 21732-B

STYLE: Fred Michaelis
V: Barbara
Rollins

Please be advised that the Court has this date (May 6, 1999) AFFIRMED the judgment of the trial court in the above cause.

We enclose a copy or tne Courts opinion and judgment.

Please be advised that Appellant's pro se motion for appeal records was SUBMITTED and OVERRULED this same day. Please note no record are made of oral argument.

With kindest wishes, I am
am

Yours truly, Sherry Williamson, Clerk

6a(3)

SW/ink

(2) judgment
Hon. B. J. Edwards, Judge /
Hon. Don Lane, Judge
JoAnn Lackey, District Clerk
Hon. Dean Rucker,
Administrative Judge, Region
7

APPENDIX G

SUPREME COURT OF TEXAS
POST OFFICE BOX 12248
AUSTIN, TEXAS 79711

LETTER FROM; DATED ; 07/29/99

Mr. Roberta A. Junell
Small Craig & Werkenthin
225 West Beauregard
San Angelo, Texas 76902

Mr. Jon Mark Hogg
Small Craig & Werkenthin
225 West Beauregard
San Angelo, Texas 7902

Re; Cause No; 99-0488
Court of Appeals
No. 11-98-00266-CV
Trial Court No. 21732-B

Style ; Fred Michaelis
V.
The Honorable Barbara Rollins

Dear Counsel:

Today , the Supreme Court of Texas denied the petition for review in the above style case.

Sincerely,

John T. Admas, Clerk

APPENDIX H

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF TEXAS
ABILENE DIVISION

FRED L. L. MICHAELIS
Plaintiff

V.

BARBARA ROLLINS..
Defendant

Civil Action No. 1 :99-C V-O1 87-C

ORDER

On this day the Court considered a document on the Civil Cover Sheet as an "Appeal from Texas Supreme [sic] Court" in the above-styled and -numbered cause, filed September 1, 1999.

Plaintiff,appearing pro Se,

demands $50 million from

Defendant, alleging on the Civil

Cover Sheet:

> [A] blat[ant] violation of due process of law. Texas provides the remidy [sic] of a jury trial as the only way a citizen can remove (an] errant judge. Trial was ordered and paid for by Plaintive [sic]. A summary judgment was issued and trial denied.

On page 9 of a document included with Plaintiffs Cover Sheet, simply captioned "Impeach," Michaelis explains that he is filing suit in this Court because "he was denied due process of law in the lower courts." He alleges that "Michaelis has had his constitutional rights trampled by

conflict of feeling of judges unwilling to uphold the written law concerning the removal of a Judge in Taylor County, Abilene, Texas." Michaelis alleges that the Texas Supreme Court committed error under the " State of Texas Constitution and Local Government Rules " by refusing a Petition of Review filed by Michaelis, he urges this Court to reverse the Texas Supreme Court's decision and remand it to the lower courts.

This Court finds that it does not possess subject matter jurisdiction over the issues presented in Michaelis Complaint, and that the Complaint is frivolous on its face. Therefore, the Court hereby DISMISSED the above- style and number cause WITH PREJUDICE.

SO ORDERED

Dated this 22nd day of September 1999.
Sam Cummings

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION
FRED L. MICHAELIS
Plaintiff,

V.
BARBARA ROLLINS

Defendant.
Civil Action No. 1 :99-CV- 187-C
ORDER

The Court having considered the

Mot ion Production of Records filed

October 12 1999, is of the opinion that the same

should be DENIED.

SO ORDERED.

Dated June 13, 2000.
SAM R. CUMMINGS

UNITED STATES DISTRICT JUDGE

APPENDIX J

In THE United STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF Texas
ABILENE DIVISION

FRED MICHAELIS,

PLAINTIFF
V
BARBARA ROLLINS

Came on for consideration Defendant's Motion to Dismiss and Brief Incorporated, filed October 5, 1999. By order and judgment filed September 22, 1999, the Court sua sponte *dismissed the above-styled and-numbered cause for lack of subject matter jurisdiction. Therefore,*

Defendant's Motion to Dismiss is

DENIED as moot.

SO ORDERED.

Dated October 6, 1999.

Sam R. CUMMINGS UNITED

UNITED STATES DISTRICT JUDGE

APPENDIX K

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

NORTHERN DISTRICT OF TEXAS
FILED

SEPT. 22 1999

NANCY DOHERITY, CLERK

FRED L. MICHAELIS, Plaintiff,

V.

BARBARA ROLLTNS,

Defendant.
) Civil Action No. 1:99-CV-0187-C

JUDGMENT

On this day the Court

ORDERED, ADJUDGED and

DECREED that Plaintiff FRED L.

MICHAELIS' claims against

BEST AVAILABLE COPY

Defendant BARBARA ROLLINS

dismissed with prejudice.

Dated September2~ 1999.

SAM CUMMINGS UNITED

STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

NORTHERN DISTRICT OF TEXAS

FILED

SEPT. 22 1999

NANCY DOHERITY, CLERK

FRED L. MICHAELIS, Plaintiff,

V.

APPENDIX L

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-11233
Summary Calendar

_Fred L. Michaelis.
Petitioner - Appellant

v.

Barbara Rollins
Respondent- Appellee

Appeal from the United States District Court
for the Northern District of Texas, Abilene

Before SMITH, BARKSDALE, AND
PARKER, CIRCUIT JUDGES

JUDGEMENT

This cause came on to be heard on the record on appeal and was taken under submission on the briefs on file.

ON CONSIDERATION
WHEREFORE, it is now here ordered and adjudged by this Court that the judgement of the District Court in this cause is affirmed.

IT IS ORDERED that petitioner-appellant pay tpo respondent- appellee the cost on appeal to be taxed by the clerk of this court.

ISSUED AS MANDATE
June 12, 20000

_____
deputy name unreadable

APPENDIX M

LETTER FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

JUNE 12,2000

Ms. Nancy Hall Doherty, Clerk
Northern District of Texas, Abilene
United States District Court
Room 2008
341 Pine Street
Abilene, Texas 79604

No; 99-11233 Michaelis v. Rollins
USDC No. 1:99-CV-187

Enclosed, for the district court only, is a certified copy of the judgement, issued as the mandate.

Enclosed, for the district court only, is a copy of the court's opinion.

Record/original papers/ exhibits are returned.
(1) volume

Jodie Rodrigue, Deputy Clerk

CERTIFICATE

Pursuant to Rule 5:17e Appellant states as follows:

1. The name, address, and telephone number of the Appellant is Fred L. Michaelis, 726 Palm Street, Abilene, Texas 79602

2. The name, address, and telephone of counsel for the Appellant is the same as he is acting in pro persona

3. The name, address, and telephone number for the counsel of the Jon Mark Hogg, 225 West Beaurguard, San Angelo, Texas 76902

4. A copy of the petition has been mailed to the Appellee counsel, Jon Mark Hogg, 225 West Beuarguard, San Angelo, Texas 76902

Respectfully submitted
On the 17th day of September, 2000